

CLOSED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-00996-RBW**

CUBAN v. SECURITIES AND EXCHANGE COMMISSION
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 05/28/2009
Date Terminated: 03/13/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

MARK CUBAN

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TERMINATED: 06/23/2010

V.

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Date Filed	#	Docket Text
05/28/2009	<u>1</u>	COMPLAINT against SECURITIES AND EXCHANGE COMMISSION (Filing fee \$ 350, receipt number 4616021033) filed by MARK CUBAN. (Attachments: # <u>1</u> Civil Cover Sheet)(td,) (Entered: 05/29/2009)
05/28/2009		Summons (3) Issued as to SECURITIES AND EXCHANGE COMMISSION. (td,) (Entered: 05/29/2009)
06/12/2009	<u>2</u>	SUMMONS Returned Executed by MARK CUBAN. SECURITIES AND EXCHANGE COMMISSION served on 6/2/2009, answer due 7/2/2009. (Ross, David) (Entered: 06/12/2009)
07/02/2009	<u>3</u>	<i>Defendant's ANSWER to <u>1</u> Complaint for Declaratory and Injunctive Relief</i> by SECURITIES AND EXCHANGE COMMISSION. Related document: <u>1</u> Complaint filed by MARK CUBAN.(Hernandez, Juanita) (Entered: 07/02/2009)
09/25/2009	<u>4</u>	NOTICE of Appearance by Lyle Roberts on behalf of MARK CUBAN (Roberts, Lyle) (Entered: 09/25/2009)
09/30/2009	<u>5</u>	NOTICE of Appearance by Melinda Hardy on behalf of SECURITIES AND EXCHANGE COMMISSION (Hardy, Melinda) (Entered: 09/30/2009)
09/30/2009	<u>6</u>	MEET AND CONFER STATEMENT. (Roberts, Lyle) (Entered: 09/30/2009)
10/08/2009		MINUTE ORDER. Based on the parties' representations in their Joint Report <u>6</u> , the defendant shall file its motion for partial summary judgment by December 4, 2009. The plaintiff shall file his opposition to the defendant's motion by January 6, 2010. The defendant shall file its reply to the plaintiff's opposition to its motion for partial summary judgment by January 22, 2010. Should the plaintiff also intend to file a cross-motion for summary judgment, that motion shall be filed by January 6, 2010, with the defendant's opposition thereto due by January 22, 2010, and the plaintiff's reply by February 1, 2010. Signed by Judge Reggie B. Walton on 10/08/09. (lcrbw2) (Entered: 10/08/2009)

10/08/2009		Set/Reset Deadlines: Motion for partial summary judgement due by 12/4/09; Opposition to motion and the filing of cross motion due by 1/6/10; Reply to motion and opposition to cross motion due by 1/22/09; Any reply to cross motion due by 2/1/09(mpt,) (Entered: 10/08/2009)
11/20/2009	<u>7</u>	Unopposed MOTION for Extension of Time to <i>Scheduling Order Deadlines</i> by SECURITIES AND EXCHANGE COMMISSION (Hernandez, Juanita) (Entered: 11/20/2009)
11/23/2009		MINUTE ORDER granting <u>7</u> Motion for Extension of Time to Complete Discovery. Upon consideration of the defendant's Motion for Extension of Time of the Scheduling Order Deadlines in this action, and for good cause shown, it is hereby ordered that the defendant's Motion is granted. It is further ordered that the Scheduling Order will be revised with the following new deadlines: the defendant's motion for partial summary judgment and to bifurcate shall be filed by January 15, 2010; the plaintiff's opposition to the defendant's motion for partial summary judgment, as well as any cross-motion for summary judgment shall be filed by February 16, 2010; the defendant's reply to its motion for partial summary judgment, as well as its opposition to the plaintiff's cross-motion for summary judgment shall be filed by March 2, 2010; and the plaintiff's reply to the defendant's opposition to the plaintiff's cross motion for summary judgment shall be filed by March 15, 2009. Signed by Judge Reggie B. Walton on 11/23/09. (lcrbw2) (Entered: 11/23/2009)
11/25/2009		Set/Reset Deadlines: Motion for Partial Summary Judgment and bifurcate due by 1/15/10; Opposition to motion and cross motion for summary judgment due by 2/16/10; Reply to motion and opposition to cross motion for summary judgment due by 3/2/10; Reply to opposition to cross motion for summary judgment due by 3/15/10;(mpt,) (Entered: 11/25/2009)
01/15/2010	<u>8</u>	MOTION to Bifurcate <i>and to Stay</i> by SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Declaration MC Winter Declaration)(Hernandez, Juanita) (Entered: 01/15/2010)
01/15/2010	<u>9</u>	MOTION for Partial Summary Judgment by SECURITIES AND EXCHANGE COMMISSION (Hernandez, Juanita) (Entered: 01/15/2010)
01/15/2010	<u>10</u>	Memorandum in Support of defendant's motion Partial Summary Judgment re: <u>9</u> by SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Declaration MC Winter Declaration, # <u>2</u> Exhibit Vaughn Index, # <u>3</u> Declaration KH Hall Declaration, # <u>4</u> Declaration D Pinansky Declaration, # <u>5</u> Declaration NE Tyler Declaration, # <u>6</u> Declaration J Riewe Declaration, # <u>7</u> Declaration N Frangipane Declaration)(Hernandez, Juanita) Modified text and linkage on 1/19/2010 (td,). (Entered: 01/15/2010)
01/15/2010	<u>11</u>	MOTION to Stay by SECURITIES AND EXCHANGE COMMISSION; (See Docket Entry No. <u>8</u> to view document) (td,) (Entered: 01/19/2010)
01/19/2010		NOTICE OF ERROR re <u>10</u> Motion for Partial Summary Judgment; emailed to hernandezj@sec.gov, cc'd 10 associated attorneys — The PDF file you docketed contained errors: 1. This document text has been modified. This document should have been an attachment to doc. no. 9 (td,) (Entered: 01/19/2010)
01/19/2010		NOTICE OF ERROR re <u>8</u> Motion to Bifurcate; emailed to hernandezj@sec.gov, cc'd 10 associated attorneys — The PDF file you docketed contained errors: 1. Two-part docket entry, 2. The document has been corrected. In the future, please select all events for a multi part document. (td,) (Entered: 01/19/2010)
02/16/2010	<u>12</u>	Memorandum in opposition to re <u>11</u> MOTION to Stay, <u>8</u> MOTION to Bifurcate <i>and to Stay</i> filed by MARK CUBAN. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Ross, David) (Entered: 02/16/2010)
02/16/2010	<u>13</u>	Memorandum in opposition to re <u>9</u> MOTION for Partial Summary Judgment, <u>10</u> MOTION for Partial Summary Judgment <i>Memorandum of Law in Support Cross-Motion for Summary Judgment</i> filed by MARK CUBAN. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Ross, David) (Entered: 02/16/2010)

02/16/2010	<u>15</u>	Cross MOTION for Summary Judgment by MARK CUBAN. (See Docket Entry <u>13</u> to view document). (znmw,) (Entered: 02/17/2010)
02/17/2010	<u>14</u>	NOTICE of Filing of Def's Statement of Material Facts in Support of Def's Motion for Partial Summary Judgment by SECURITIES AND EXCHANGE COMMISSION re <u>9</u> MOTION for Partial Summary Judgment (Attachments: # <u>1</u> Statement of Facts)(Hernandez, Juanita) (Entered: 02/17/2010)
02/23/2010	<u>16</u>	MOTION for Extension of Time to File Response/Reply as to 11 MOTION to Stay, <u>8</u> MOTION to Bifurcate and to Stay, <u>9</u> MOTION for Partial Summary Judgment, 15 MOTION for Summary Judgment by SECURITIES AND EXCHANGE COMMISSION (Hernandez, Juanita) (Entered: 02/23/2010)
02/24/2010	<u>17</u>	MOTION for Leave to File a Statement in Response to Defendants Statement of Material Facts and in Opposition to Defendants Motion for Partial Summary Judgment by MARK CUBAN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Proposed Statement, # <u>3</u> Text of Proposed Order)(Ross, David) (Entered: 02/24/2010)
02/24/2010	<u>18</u>	Memorandum in opposition to re <u>16</u> MOTION for Extension of Time to File Response/Reply as to 11 MOTION to Stay, <u>8</u> MOTION to Bifurcate and to Stay, <u>9</u> MOTION for Partial Summary Judgment, 15 MOTION for Summary Judgment MOTION for Extension of Time to File Response/Reply as to 11 MOTION to Stay, <u>8</u> MOTION to Bifurcate and to Stay, <u>9</u> MOTION for Partial Summary Judgment, 15 MOTION for Summary Judgment filed by MARK CUBAN. (Attachments: # <u>1</u> Text of Proposed Order)(Ross, David) (Entered: 02/24/2010)
03/02/2010		MINUTE ORDER granting <u>16</u> Motion for Extension of Time to File Response/Reply. Upon consideration of the defendant's motion for extension of time in this action, and for good cause shown given the numerous documents necessary to review, it is hereby ordered that the defendant's motion for extension of time is granted; it is further ordered that the Scheduling Order will be revised with the following new deadlines: (1) the defendant's reply to the plaintiff's response to the defendant's motion for partial summary judgment and the defendant's response in opposition to the plaintiff's cross-motion for summary judgment and (2) the defendant's reply to the plaintiff's response to the defendant's motion to bifurcate until March 16, 2010; and any reply by the plaintiff to the defendant's response to the plaintiff's cross-motion until March 29, 2010. Signed by Judge Reggie B. Walton on 03/02/10. (lcrbw2) (Entered: 03/02/2010)
03/03/2010		Set/Reset Deadlines: Reply to plaintiff's response to motion to bifurcate until 3/16/10; response to cross motion until 3/29/10 (mpt,) (Entered: 03/03/2010)
03/15/2010		MINUTE ORDER granting <u>17</u> Motion for Leave to File. Having considered plaintiff Mark Cuban's Motion for Leave to File a Statement in Response to the defendant's Statement of Material Facts and in Opposition to the defendant's Motion for Partial Summary Judgment, and there having been no opposition filed in response, the Court having reviewed the motion and supporting legal arguments and authority in support of the motion and responses thereto, finds good cause to grant the motion. Accordingly, plaintiff's Statement of Genuine Issues, which was attached as Exhibit 1 to the plaintiff's Motion <u>17</u> , is deemed filed. Signed by Judge Reggie B. Walton on 03/15/10. (lcrbw2) (Entered: 03/15/2010)
03/15/2010	<u>19</u>	RESPONSE re <u>14</u> Notice (Other), Notice (Other) filed by MARK CUBAN. (td,) (Entered: 03/16/2010)
03/15/2010	<u>20</u>	Memorandum in opposition to re <u>9</u> MOTION for Partial Summary Judgment filed by MARK CUBAN; (See Docket Entry No. <u>19</u> to view document) (td,) (Entered: 03/16/2010)
03/16/2010	<u>21</u>	REPLY to opposition to motion re 11 MOTION to Stay, <u>8</u> MOTION to Bifurcate and to Stay filed by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Declaration Suppl Winter Declaration)(Hernandez, Juanita) (Entered: 03/16/2010)
03/16/2010	<u>22</u>	REPLY to opposition to motion re 15 MOTION for Summary Judgment, <u>9</u> MOTION for Partial Summary Judgment, <u>10</u> MOTION for Partial Summary Judgment Memorandum of Law in Support and Opposition to Plaintiff's Cross

		<i>Motion for Summary Judgment</i> filed by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Declaration Suppl Declaration of Winter, # <u>2</u> Exhibit Revised Vaughn Index, # <u>3</u> Declaration Supplemental Declaration of Pinansky, # <u>4</u> Declaration Supplemental Declaration of Tyler, # <u>5</u> Exhibit SEC Memo of Law in SEC v Cuban 9-30-09, # <u>6</u> Declaration Supplemental Declaration of Frangipane, # <u>7</u> Declaration Declaration of William Lennox)(Hernandez, Juanita) (Entered: 03/16/2010)
03/16/2010	<u>23</u>	RESPONSE re 15 MOTION for Summary Judgment <i>Response to Plaintiff's Statement of Facts</i> filed by SECURITIES AND EXCHANGE COMMISSION. (Hernandez, Juanita) (Entered: 03/16/2010)
03/29/2010	<u>24</u>	REPLY to opposition to motion re 15 MOTION for Summary Judgment filed by MARK CUBAN. (Attachments: # <u>1</u> Declaration David Ross)(Ross, David) (Entered: 03/29/2010)
06/23/2010	<u>25</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MARK CUBAN. Attorney David M. Ross terminated. (Ross, David) (Entered: 06/23/2010)
09/22/2010	<u>26</u>	ORDER granting in part and denying in part <u>9</u> Defendant's Motion for Partial Summary Judgment; denying 11 Defendant's Motion to Stay; granting in part and denying in part 15 Plaintiff's Motion for Summary Judgment. In accordance with the memorandum opinion issued by the Court on this same date, it is hereby ORDERED that the defendant's motion for partial summary judgment is GRANTED IN PART and DENIED IN PART. It is further ORDERED that the defendant's motion to stay this matter is DENIED WITHOUT PREJUDICE. It is further ORDERED that the plaintiff's motion for summary judgment is GRANTED IN PART and DENIED IN PART. It is further ORDERED that the parties shall appear before the Court at 10:30 on October 22, 2010, for a status hearing at which the defendant can apprise the Court as to how much, if any, additional time is needed to complete the processing of the plaintiff's request, as well as provide the Court with a progress report on the investigation that is the basis for the defendant's invocation of Exemption 7(A). Signed by Judge Reggie B. Walton on 9/22/10. (lcrbw2) (Entered: 09/22/2010)
09/22/2010	<u>27</u>	MEMORANDUM AND OPINION. This Memorandum Opinion accompanies the Court's September 22, 2010 Order. Signed by Judge Reggie B. Walton on 9/22/2010. (lcrbw2) (Entered: 09/22/2010)
09/22/2010		Set/Reset Hearings: Status Conference set for 10/22/2010 10:30 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt,) (Entered: 09/22/2010)
10/13/2010	<u>28</u>	NOTICE of Appearance by Woo S. Lee on behalf of SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Exhibit Certificate of Familiarity)(Lee, Woo) (Entered: 10/13/2010)
10/14/2010	<u>29</u>	NOTICE <i>REVISED NOTICE OF APPEARANCE</i> by SECURITIES AND EXCHANGE COMMISSION re <u>28</u> Notice of Appearance (Attachments: # <u>1</u> Exhibit Certificate of Familiarity)(Lee, Woo) (Entered: 10/14/2010)
10/19/2010	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- George E. Anhang, :Firm- Dewey &LeBoeuf, :Address- 1101 New York Avenue, NW Washington, DC 20005. Phone No. - 202 346-8052. Fax No. - 202 346-8102 by MARK CUBAN (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Roberts, Lyle) (Entered: 10/19/2010)
10/19/2010	<u>31</u>	NOTICE of Appearance by Stephen A. Best on behalf of MARK CUBAN (Best, Stephen) (Entered: 10/19/2010)
10/20/2010	<u>32</u>	STATUS REPORT <i>10-20-2010</i> by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Declaration Declaration of C. Winter, # <u>3</u> Declaration Declaration of D. Kotz)(Hernandez, Juanita) (Entered: 10/20/2010)
10/21/2010		MINUTE ORDER denying <u>30</u> Motion for Leave to Appear Pro Hac Vice of George E. Anhang. It is hereby ORDERED that due to the attorney's failure to comply with the requirements of Local Civil Rule 83.2, the motion is denied without prejudice. Specifically, the attorney's affidavit indicates that he is barred in

		the District of Columbia and practices from an office in the District of Columbia. Accordingly, he must move for admission to the Bar of this Court and pro hac admission is inappropriate. Signed by Judge Reggie B. Walton on 10/21/2010. (lcrbw2) (Entered: 10/21/2010)
10/22/2010	<u>33</u>	NOTICE of Appearance by George E. Anhang on behalf of MARK CUBAN (rdj) (Entered: 10/22/2010)
10/22/2010		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 10/22/2010, (Defendant Status Report due by 12/1/2010; Plaintiffs Reply to Status Report due by 12/10/10; Further Status Conference set for 12/10/2010 09:45 AM in Courtroom 16 before Judge Reggie B. Walton.). (Court Reporter Cathryn Jones.) (mpt,) (Entered: 10/25/2010)
11/05/2010	<u>34</u>	First MOTION for Reconsideration re <u>27</u> Memorandum & Opinion, <u>26</u> Order on Motion for Partial Summary Judgment, Order on Motion to Stay, Order on Motion for Summary Judgment,,,,,,,,,,,,, <i>Motion for Reconsideration of Parties' Cross-Motions for Summary Judgment</i> by SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Text of Proposed Order Proposed Order, # <u>2</u> Exhibit Declaration of Noelle Frangipane, # <u>3</u> Exhibit Declaration of Robert B. Kaplan, # <u>4</u> Exhibit Second Revised Vaughn Index, # <u>5</u> Exhibit Declaration of Shira Minton, # <u>6</u> Exhibit Declaration of David Cunningham, # <u>7</u> Exhibit Second Supplemental Declaration of Noelle Maloney, # <u>8</u> Exhibit Declaration of Nancy Ellen Tyler, # <u>9</u> Exhibit Second Supplemental Declaration of David Pinansky, # <u>10</u> Exhibit Declaration of Leslie Wharton)(Hardy, Melinda) (Entered: 11/05/2010)
11/19/2010	<u>35</u>	Memorandum in opposition to re <u>34</u> First MOTION for Reconsideration re <u>27</u> Memorandum & Opinion, <u>26</u> Order on Motion for Partial Summary Judgment, Order on Motion to Stay, Order on Motion for Summary Judgment,,,,,,,,,,,,, <i>Motion for Reconsideration of Parties' Cross-M</i> First MOTION for Reconsideration re <u>27</u> Memorandum & Opinion, <u>26</u> Order on Motion for Partial Summary Judgment, Order on Motion to Stay, Order on Motion for Summary Judgment,,,,,,,,,,,,, <i>Motion for Reconsideration of Parties' Cross-M</i> First MOTION for Reconsideration re <u>27</u> Memorandum & Opinion, <u>26</u> Order on Motion for Partial Summary Judgment, Order on Motion to Stay, Order on Motion for Summary Judgment,,,,,,,,,,,,, <i>Motion for Reconsideration of Parties' Cross-M</i> First MOTION for Reconsideration re <u>27</u> Memorandum & Opinion, <u>26</u> Order on Motion for Partial Summary Judgment, Order on Motion to Stay, Order on Motion for Summary Judgment,,,,,,,,,,,,, <i>Motion for Reconsideration of Parties' Cross-M</i> filed by MARK CUBAN. (Attachments: # <u>1</u> Proposed Order)(Anhang, George) (Entered: 11/19/2010)
11/29/2010	<u>36</u>	REPLY to opposition to motion re <u>34</u> First MOTION for Reconsideration re <u>27</u> Memorandum & Opinion, <u>26</u> Order on Motion for Partial Summary Judgment, Order on Motion to Stay, Order on Motion for Summary Judgment filed by SECURITIES AND EXCHANGE COMMISSION. (Hardy, Melinda) Modified to remove excess text on 11/30/2010 (znmw,). (Entered: 11/29/2010)
12/01/2010	<u>37</u>	STATUS REPORT Regarding Plaintiff's Proposal to Pay for Search and Application of Exemption 7(A) to Documents Relating to Ongoing Enforcement Action by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Exhibit 1)(Hardy, Melinda) (Entered: 12/01/2010)
12/07/2010	<u>38</u>	Unopposed MOTION for Extension of Time to File Response/Reply to the SEC's Status Report by MARK CUBAN (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Roberts, Lyle) (Entered: 12/07/2010)
12/08/2010		Set/Reset Hearings: Status Conference reset for 2/1/2011 09:45 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt,) (Entered: 12/08/2010)
12/08/2010		MINUTE ORDER granting <u>38</u> Unopposed Motion for Extension of Time to File Response. In light of the parties' consent, and for good cause shown, the motion is GRANTED. It is hereby ORDERED that the plaintiff shall file his reply to the to the defendant's December 1, 2010 status report on or before Tuesday, December 14, 2010. Signed by Judge Reggie B. Walton on 12/8/2010. (lcrbw2) (Entered: 12/08/2010)

12/08/2010		Set/Reset Deadlines: plaintiff shall file his reply to the defendant's 12/01/10 status report by 12/14/2010. (ad) (Entered: 12/08/2010)
12/08/2010	<u>39</u>	TRANSCRIPT OF PROCEEDINGS before Judge Reggie B. Walton held on October 22, 2010; Page Numbers: 1 – 39. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354–3246, Court Reporter Email Address : cjones10@verizon.net.<P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P>Redaction Request due 12/29/2010. Redacted Transcript Deadline set for 1/8/2011. Release of Transcript Restriction set for 3/8/2011.(Jones, Cathryn) (Entered: 12/08/2010)
12/08/2010	<u>40</u>	NOTICE of Change of Address by Stephen A. Best (Best, Stephen) (Entered: 12/08/2010)
12/10/2010	<u>41</u>	ENTERED IN ERROR.....MOTION for Extension of Time to File Response/Reply to <u>37</u> STATUS REPORT Regarding Plaintiff's Proposal to Pay for Search and Application of Exemption 7(A) to Documents Relating to Ongoing Enforcement Action by MARK CUBAN (dr) Modified on 12/14/2010 (dr). (Entered: 12/13/2010)
12/14/2010		NOTICE OF CORRECTED DOCKET ENTRY: re <u>41</u> MOTION for Extension of Time to File Response/Reply was entered in error at request of counsel. It is a courtesy copy to the original filing as DE # <u>38</u> .(dr) (Entered: 12/14/2010)
12/14/2010	<u>42</u>	RESPONSE re <u>37</u> Status Report filed by MARK CUBAN. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Anhang, George) (Entered: 12/14/2010)
12/23/2010	<u>43</u>	MOTION for Leave to File a <i>Supplemental Status Report</i> by SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Exhibit Supplemental Status Report, # <u>2</u> Text of Proposed Order)(Lee, Woo) (Entered: 12/23/2010)
12/27/2010	<u>44</u>	Memorandum in opposition to re <u>43</u> MOTION for Leave to File a <i>Supplemental Status Report</i> filed by MARK CUBAN. (Attachments: # <u>1</u> Proposed Order)(Anhang, George) (Entered: 12/27/2010)
01/31/2011		MINUTE ORDER granting <u>43</u> Defendant's Motion for Leave to File. For good cause shown, the motion is GRANTED. It is hereby ORDERED that the Clerk of Court shall docket and deem filed the defendant's Supplemental Status Report Regarding Plaintiff's Proposal to Pay for Search and Application of Exemption 7(A) to Documents Relating to Ongoing Enforcement Action, attached as exhibit one to the defendant's motion. It is further ORDERED that the plaintiff may file a brief response, which, should he choose to do so, shall be filed on or before February 4, 2011. It is further ORDERED, that in light of the pending motion for reconsideration in this matter, the status hearing currently scheduled for February 1, 2011, is hereby postponed to a date that will soon be set by the Court. Signed by Judge Reggie B. Walton on 1/31/2011. (lcrbw2) (Entered: 01/31/2011)
01/31/2011		Set/Reset Deadlines: Brief Response due by 2/4/2011 (mpt,) (Entered: 01/31/2011)
01/31/2011	<u>45</u>	Supplemental STATUS REPORT by SECURITIES AND EXCHANGE COMMISSION. (td,) (Entered: 02/01/2011)
02/04/2011	<u>46</u>	RESPONSE re <u>45</u> Status Report filed by MARK CUBAN. (Anhang, George) Modified to add link on 2/7/2011 (znmw,). (Entered: 02/04/2011)
04/21/2011	<u>47</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to SECURITIES AND EXCHANGE COMMISSION. Attorney Woo S. Lee terminated. (Lee, Woo) (Entered: 04/21/2011)

05/25/2011	<u>48</u>	TRANSCRIPT OF PROCEEDINGS before Judge Reggie B. Walton held on October 22, 2010; Page Numbers: 1 – 32. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354–3246, Court Reporter Email Address : cathryjns1@aol.com.<P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov .<P></P>Redaction Request due 6/15/2011. Redacted Transcript Deadline set for 6/25/2011. Release of Transcript Restriction set for 8/23/2011.(Jones, Cathryn) (Entered: 05/25/2011)
07/01/2011	<u>49</u>	ORDER granting in part and denying in part <u>34</u> Motion for Reconsideration. For the reasons explained in the Memorandum Opinion issued this same date, it is hereby ORDERED that the Defendant's Motion for Reconsideration is GRANTED IN PART and DENIED IN PART. It is further ORDERED that the defendant shall conduct further searches for Categories 11, 12, and 13 of Request Letter I. It is further ORDERED that the defendant shall, within 90 days of the issuance of this Order, submit a new or supplemental Vaughn Index meeting the specifications set forth in the Memorandum Opinion issued by the Court on this same date. It is further ORDERED that the defendant shall, within 90 days of the issuance of this Order, move for summary judgment based on the above–ordered new or supplemental Vaughn Index and any accompanying new or supplemental declarations. It is further ORDERED that the plaintiff shall file his opposition to the defendant's motion for summary judgment and cross–motion for summary judgment no later than 45 days after the filing of the above–ordered new or supplemental Vaughn Index and the filing of the defendant's motion for summary judgment. It is further ORDERED that the defendant shall file its opposition to the plaintiff's cross–motion for summary judgment and reply in support of its own motion for summary judgment no later than 30 days after the filing of the plaintiff's opposition and cross–motion. It is further ORDERED that the plaintiff shall file his reply in support of his cross–motion for summary judgment no later than 30 days after the filing of the defendant's opposition. Signed by Judge Reggie B. Walton on 7/1/2011. (lcrbw2) (Entered: 07/01/2011)
07/01/2011	<u>50</u>	MEMORANDUM AND OPINION. This Memorandum Opinion accompanies the Court's Order of this same date granting in part and denying in part the defendant's motion for reconsideration. Signed by Judge Reggie B. Walton on 7/1/2011. (lcrbw2) (Entered: 07/01/2011)
09/16/2011	<u>51</u>	Unopposed MOTION for Extension of Time to <i>the July 1, 2011 Court Ordered Deadlines</i> by SECURITIES AND EXCHANGE COMMISSION (Hernandez, Juanita) (Entered: 09/16/2011)
09/16/2011		MINUTE ORDER granting <u>51</u> Motion for Extension of Time. In light of the parties' consent, and for good cause shown, the motion is granted. Accordingly, it is hereby ORDERED that that the defendant shall file its revised Vaughn index and motion for summary judgment on or before October 13, 2011; the plaintiff shall file his opposition and cross–motion on or before November 28, 2011; the defendant shall file its reply on or before December 28, 2011; and the plaintiff shall file his reply on or before January 27, 2012. Signed by Judge Reggie B. Walton on 9/16/2011. (lcrbw2,) (Entered: 09/16/2011)
09/19/2011		Set/Reset Deadlines: Vaughn Index and Motion for Summary Judgment due by 10/13/11; Opposition and Cross Motion due by 11/28/11; Reply to Opposition and Opposition to Cross Motion due by 12/28/11; Reply to Opposition to Cross Motion due by 1/27/12.(mpt,) (Entered: 09/19/2011)
10/13/2011	<u>52</u>	Renewed MOTION for Partial Summary Judgment <i>Pursuant to Court Order of July 1, 2011</i> by SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Memorandum in Support Brief in Support of Def's Renewed Motion for Partial

		Summary Judgment Pursuant to Order of July 1, 2011, # <u>2</u> Exhibit Defendant's Third Revised Index, # <u>3</u> Declaration Third Suppl Declaration of N. Maloney)(Hernandez, Juanita) Modified on 10/14/2011 (td,). (Entered: 10/13/2011)
11/28/2011	<u>53</u>	REPLY to <u>52</u> SEC's Renewed Motion for Partial Summary Judgment filed by MARK CUBAN. (Anhang, George) Modified on 11/29/2011 (td,). (Entered: 11/28/2011)
12/08/2011	<u>54</u>	ORDER finding as moot <u>52</u> Motion for Partial Summary Judgment. For the reasons explained in the attached Order, it is hereby ORDERED that all of the plaintiff's claims concerning the documents listed in the defendant's Third Revised Vaughn Index and all of the plaintiff's claims with respect to the adequacy of the defendant's search for documents in Categories 11, 12, and 13 are hereby DISMISSED AS MOOT. It is further ORDERED that the defendant shall submit a status report regarding its processing of the potentially responsive records remaining in its FIFO track no later than thirty days after the entry of this Order. Signed by Judge Reggie B. Walton on 12/8/2011. (lcrbw2) (Entered: 12/08/2011)
01/09/2012	<u>55</u>	STATUS REPORT Pursuant to Court Order of December 8, 2011 by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Exhibit)(Hernandez, Juanita) (Entered: 01/09/2012)
03/06/2012		MINUTE ORDER. The last activity in this case was the January 9, 2012 filing of the defendant's Status Report Pursuant to Court Order of December 8, 2011. That status report indicated that the defendant anticipated processing the plaintiff's FOIA request in the FIFO track in October 2012. The plaintiff has made no filing in response to the representations in the January 9, 2012 status report. In light of the inactivity in this case, and the fact that the defendant has represented it will not conclude its review for a number of months, it is hereby ORDERED that this case is ADMINISTRATIVELY CLOSED. Signed by Judge Reggie B. Walton on 3/6/2012. (lcrbw2) (Entered: 03/06/2012)